

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NORMAN WERTHER, M.D.	:	CIVIL ACTION
	:	
v.	:	
	:	
CRAIG ROSEN, et al.	:	No. 02-CV-3589
	:	

ORDER

Ludwig, J.

AND NOW, this 19th day of July, 2002, the following is ordered:

By September 6, 2002, plaintiff shall submit a RICO case statement that contains the following information:

- A. The alleged misconduct and basis of liability of each defendant.
 - B. Whether the alleged misconduct is in violation of 18 U.S.C. §§1962(a), (b), (c), or (d).
 - C. How each alleged victim was injured.
 - D. In detail, the pattern of racketeering activity or collection of unlawful debts alleged for each RICO claim. A description of the pattern of racketeering shall include - or conform to - the following:
 - a. State the predicate acts and the specific statutes alleged to have been violated;
 - If the RICO claim is based on the predicate offenses of wire fraud, mail fraud, or fraud in the sale of securities, the "circumstances constituting fraud or mistake shall be stated with particularity."
- Fed.R.Civ.P. 9(b).

b. Describe how the predicate acts form a "pattern of racketeering activity"; and

c. State whether the predicate acts relate to each other as part of a common plan. If so, describe how.

E. In detail, the alleged enterprise as to each RICO claim. A description of the enterprise shall include - or conform to - the following:

a. State the names of the individuals, partnerships, corporations, associations, or other legal entities, alleged to constitute the enterprise;

b. Describe the structure, purpose, function and course of conduct of the enterprise;

c. Identify any defendants who are employees, officers or directors of the enterprise;

d. Identify any defendants who are associated with the enterprise; and

e. State whether any defendants are alleged to be individuals or entities separate from the enterprise; or are the enterprise itself; or are members of the enterprise.

F. The relationship between the activities of the enterprise and the pattern of racketeering activity. State how the racketeering activity differs from the usual and daily activities of the enterprise, if it does so differ.

G. The effect of the activities of the enterprise on interstate or foreign commerce.

H. If the complaint alleges a violation of 18 U.S.C. §1962(a), the following:

- a. State who received the income derived from the pattern of racketeering activity or through the collection of an unlawful debt; and
 - b. Describe the use or investment of such income.
- I. If the complaint alleges a violation of 18 U.S.C. §1962(b), describe the acquisition or maintenance of any interest in or control of the enterprise.
- J. If the complaint alleges a violation of 18 U.S.C. §1962(c), the following:
 - a. State who is employed by or associated with the enterprise; and
 - b. State whether the same entity is both the liable "person" and the "enterprise" under §1962(c).
- K. If the complaint alleges a violation of 18 U.S.C. §1962(d), describe the conspiracy, its members, purposes, actions taken, and duration.
- L. Describe the alleged injury to business or property.
- M. Describe the causal relationship between the alleged injury and the violation of the RICO statute.
- N. State any additional information that would be helpful in processing this RICO claim.

Edmund V. Ludwig, J.